



Southeast Fishery Bulletin

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Temporary Regulations to Reduce the Harvest of Gag in the Gulf of Mexico Small Entity Compliance Guide

NOAA Fisheries Service announces a temporary rule to decrease the commercial quota of gag, suspend the use of red grouper multi-use individual fishing quota (IFQ) commercial allocation, and temporarily set the gag bag limit to zero. The final rule publishes in the *Federal Register* on December 1, 2010, and will be effective January 1, 2011.

Gag is considered overfished (population abundance is too low) and undergoing overfishing (rate of removal too high). The Magnuson-Stevens Fishery Conservation and Management Act requires that overfished stocks be rebuilt and that overfishing be halted. The Gulf of Mexico Fishery Management Council (Council) requested NOAA Fisheries Service implement this temporary rule to address overfishing while they developed a long-term rebuilding plan through Amendment 32 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico.

Commercial management measures

The rule **establishes a quota of 100,000 pounds**. The 2009 population assessment update for gag indicated the commercial quota should be reduced from 1.49 million pounds to 390,000 pounds. However, because of some recently discovered issues regarding the way the assessment model estimated dead discards (fish that die after they are released), the Council asked NOAA Fisheries Service to re-examine the results of the assessment. Until those results are known, the Council wanted to be conservative in its actions to harvest gag. The Council did not set the quota to zero because the commercial fleet generally harvests fish in deeper waters where the fish are likely to die from barotrauma. Therefore, the Council asked for this minimal 100,000-pound quota to allow such incidentally caught gag to be landed and counted against the quota instead of being discarded.

The rule **suspends the use of red grouper IFQ multi-use allocation**, which could be used to harvest gag. Currently, 4 percent of an IFQ participant's red grouper allocation is converted to multi-use allocation. If the

multi-use allocation is used to harvest gag, these additional gag landings would allow the harvest to exceed the reduced gag quota. Note that this part of the rule would not reduce an IFQ participant's red grouper allocation. The rule would simply not allow 4 percent of the total allocation to be converted to multi-use allocation.

Recreational management measures

For the recreational sector, the rule **temporarily sets the bag limit for gag at zero**, effectively setting the harvest to zero. It was the intent of the Council, when requesting this temporary rule, that there should be a recreational harvest of gag in 2011; however, this season will be developed in Amendment 32 if supported by the science. If the Council allowed the recreational sector to fish for gag at the beginning of the 2011 fishing year, the recreational season later in the year would have to be shortened. The Council favored a summer fishing season for gag because it maximized the season length and so requested the temporary closure to delay the beginning of the season.

Other information

This bulletin serves as a Small Entity Compliance Guide, complying with section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996. This bulletin provides only a summary of the information about the rule. Discrepancies between this bulletin and the rule as published in the *Federal Register* will be resolved in favor of the *Federal Register*.

Copies of the final rule are available by contacting NOAA Fisheries Service's Southeast Regional Office at 263 13th Avenue South, St. Petersburg, Florida 33701. The final rule can be obtained in electronic form from the *Federal Register* Web site:

<http://www.gpoaccess.gov/fr/index.html> (use advanced search for final rules using "BA04" as a keyword).

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